

# EXHIBIT D

1 IN THE UNITED STATES DISTRICT COURT  
2 FOR THE MIDDLE DISTRICT OF TENNESSEE  
3 NASHVILLE DIVISION

4 CHRISTIE ANDREWS, )

5 Plaintiff, )

6 vs. )

7 TRI STAR SPORTS AND )  
8 ENTERTAINMENT GROUP, INC., )

9 Defendant. )  
10  
11  
12  
13

CASE NO.  
3:21-cv-00526

14 VIDEOTAPED DEPOSITION OF:

15 HEATHER KINDER

16 Taken on behalf of the Plaintiff

17 August 25, 2022  
18  
19  
20  
21  
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23  
24  
25

1 APPEARANCES:

2 For the Plaintiff:

3 **DANIEL ARCINIEGAS, ESQ.**

Arciniegas Law

4 1242 Old Hillsboro Road

The Atrium Building

5 Franklin, Tennessee 37069-9129

629.777.5339

6 Daniel@attorneydaniel.com

7 For the Defendant:

8 **TARA SWAFFORD, ESQ.**

**ELIZABETH "BETSY" HART**

9 The Swafford Law Firm, PLLC

321 Billingsly Court

10 Suite 19

Franklin, Tennessee 37067

11 615.599.8406

Betsy@swaffordlawfirm.com

12 Tara@swaffordlawfirm.com

1 A. I did not.

2 Q. Did you ever have an asthma  
3 attack?

4 A. I did not.

5 Q. Did you know that Christie was a  
6 competitive cheerleader?

7 A. I did.

8 Q. How did you know that?

9 A. She talked about it often.

10 Q. And you were a cheerleader as  
11 well?

12 A. I was.

13 Q. Did you guys ever do any, like,  
14 cheerleading together?

15 A. I did not.

16 Q. Did you ever see Christie  
17 cheerlead -- cheerlead?

18 A. Just what she would share on  
19 social media.

20 Q. Are you friends with Lou Taylor  
21 in social media?

22 A. I am.

23 Q. What platforms?

24 A. Instagram and Twitter.

25 Q. When was your 30th birthday?

1 that we offer our clients.

2 Q. What's the benefit?

3 A. Competitors of ours do not have  
4 team coordinators. We have them as an added  
5 benefit so the accounting team can focus on  
6 accounting, and the team coordinators can do the  
7 administrative functions.

8 Q. What are the administrative  
9 functions?

10 A. Managing task lists, managing  
11 checklists, scheduling team meetings, preparing  
12 items for clients to pick up, tracking  
13 spreadsheets, tracking renewals, updating  
14 addresses.

15 Q. Anything else?

16 A. I mean, that's the general, what  
17 they did.

18 Q. Okay. Other than administrative  
19 tasks, what did TCs do?

20 A. That's it.

21 Q. Do you recall the -- the clients  
22 that were in -- assigned to Mr. Luecke's group?

23 A. I do.

24 Q. Okay. Can you give me some of  
25 the names?



1           A.     Royalties, touring income,  
2 residuals.

3           Q.     Anything else?

4           A.     That's all I can think of.

5           Q.     And what's the fee structure for  
6 -- of royalties? Is it commission-based?

7           A.     It depends on the client's  
8 contract.

9           Q.     It can be?

10          A.     Correct.

11          Q.     And the same with residuals?

12          A.     Our clients have one contract  
13 with us, and it depends on how their contract is  
14 structured how are we earn income on them.

15          Q.     Okay.

16          A.     Or how we earn our fees.

17          Q.     So some of them could be a mix of  
18 -- some could be retainer, some could be straight  
19 commission, some can be a combination of  
20 commission and retainer?

21          A.     And fee-based.

22          Q.     And fee-based?

23          A.     No. And there's usually no  
24 combination. It's either a fee-based, a retainer  
25 or the commission.

1 it -- the number of AMEXes, is it just dependent  
2 on the number of clients, but also the number of  
3 people that work for them and the numbers in the  
4 family affair?

5 A. That's correct.

6 Q. So do most of your clients -- do  
7 most Tri Star clients have AMEXes?

8 A. I don't know.

9 Q. There had never been an AMEX  
10 liaison person, as far as you know, until Ms.  
11 Andrews, and there hasn't been one since?

12 A. That's correct.

13 Q. What do you know about the AMEX  
14 liaison duties?

15 A. I know that she -- if there was  
16 an issue with someone's card, she's the one that  
17 called AMEX. And to my understanding, that's all  
18 she handled as the AMEX liaison at the time.

19 Q. So she did that for the seven  
20 teams that you described?

21 A. That's correct.

22 Q. The seven business management  
23 teams?

24 A. That's correct.

25 Q. So if the client or anybody's --

1 or any client's, whatever dependent, let's put it  
2 that way, needed some help with the AMEX, they  
3 were directed to Christie?

4 A. They were not directed to  
5 Christie.

6 Q. How was it handled, then?

7 A. Internally. That client would  
8 reach out to their contact within the firm, and  
9 that firm -- person, internally, would talk to  
10 Christie.

11 Q. Why -- what did you see the  
12 benefit? Do you -- why add that step? Why  
13 couldn't that per- -- person or con- -- point of  
14 contact handle the AMEX?

15 A. At the --

16 Q. Or why is it -- why was that  
17 inefficient, I guess?

18 A. At the time, we had a contact at  
19 AMEX that was easy to get ahold of, and Christie  
20 had the relationship with him.

21 Q. What was that?

22 A. His name was David Rothman.

23 Q. Rossman [sic]?

24 A. Rothman.

25 Q. Rothman.



1                   What was the relationship? I  
2 don't understand the relationship. Do you know?

3                   A.       She had his phone number.

4                   Q.       And why was that beneficial for  
5 Tri Star?

6                   A.       Well, it was beneficial that she  
7 had a relationship with him.

8                   Q.       But how -- okay. Well, how did  
9 that benefit translate to a benefit for Tri Star  
10 and Tri Star's clients?

11                  A.       She could easily call AMEX and  
12 get someone to pick up the phone and unfreeze a  
13 card. However, that relationship was transitioned  
14 to every single team coordinator when she left and  
15 everyone was given the opportunity to speak with  
16 David, including myself.

17                  Q.       What do you mean including  
18 yourself?

19                  A.       If I needed to call him and say:  
20 Can you help me with Lou's card, he would pick up  
21 the phone. So we were all privy to his  
22 relationship.

23                  Q.       So is it -- is it -- I think I  
24 heard some -- some reference to VIP Services with  
25 AMEX. Are you familiar with that phrase?

1           A.       I see: "Status of Laptops."

2           Q.       Okay. So does it mean that they  
3 -- all those individuals had laptops?

4           A.       So this is dated June 12th, 2020.

5           Q.       Right, I understand that.

6           A.       So as of June 12th, 2020, this is  
7 saying -- saying that these people had laptops  
8 with them.

9           Q.       Okay. And so these are people  
10 that -- that have -- were -- do you know whether  
11 all these people got brand new laptops in -- by  
12 June of 2020 or....

13          A.       I do not. I know we had a laptop  
14 shortage, and it was impossible to get them.

15          Q.       Right. So, I mean, if there's a  
16 shortage and it's hard to get them, like -- and if  
17 you don't -- and most people had desktops,  
18 wouldn't you guys have been --

19          A.       I don't know if they had new  
20 laptops, repurposed laptops, refurbished laptops.  
21 I don't know where they got their laptops from,  
22 but I know it was not easy.

23          Q.       Do you know -- and there -- Tri  
24 Star has employees that are not listed on this  
25 list; fair?

1 else, like: Oh, she's running something for a  
2 client or doing something for a client?

3 A. He would tell me -- if she was  
4 doing something for a client, he would have told  
5 me.

6 Q. Right. That's what I'm asking.

7 A. But nine out of -- nine times out  
8 of ten, it's because she had personal issues that  
9 couldn't get her to work on time.

10 Q. So you think you asked about this  
11 ten times, or more?

12 A. I don't recall.

13 Q. Okay. So what you're saying is  
14 -- the things you do recall is that she had some  
15 sort ter- -- personal issue when you asked  
16 Mr. Luecke, right?

17 A. That's correct.

18 Q. Did you ask what type of personal  
19 issue?

20 A. Yes.

21 Q. Okay. And what type of personal  
22 issues were you told?

23 A. She slept in.

24 Q. Okay.

25 A. She forgot to set her alarm. She



1 lost her keys. She lost her contacts. She forgot  
2 to do something for her dog. Typically, it was  
3 she slept in.

4 Q. And when you reported it to HR,  
5 what did they tell you?

6 A. That they were handling it.

7 Q. Do you know whether Mr. Luecke or  
8 HR took any other disciplinary steps against Ms.  
9 Andrews between 2019 and March of 2020?

10 A. I don't know.

11 Q. Did -- I mean, the purpose of  
12 discipline is to help correct certain actions;  
13 fair?

14 A. Correct.

15 Q. To discourage the continued  
16 breaking of that?

17 A. Correct.

18 Q. And when the discipline is  
19 issued, it's put in as part of their permanent  
20 personnel file; fair?

21 A. It's --

22 MS. HART: Object to form.

23 BY MR. ARCINIEGAS:

24 Q. Or you don't know?

25 A. I don't know. If it's turned in,



1 Christie was able to keep her job so long out any  
2 -- with all these performance issues she was  
3 having?

4 A. You want to know what I think?

5 Q. Yeah.

6 A. So in my opinion?

7 Q. Yeah.

8 A. In my opinion, the company was  
9 very gracious to her. In my opinion, we liked her  
10 personally, myself included. And in my opinion,  
11 we wanted the best for her, and we made every  
12 single effort we could to help her perform to her  
13 highest ability and to make accommodations for her  
14 so that she could perform to her highest ability.

15 Q. So other than tardiness and  
16 absence, what was the problem with her -- with Ms.  
17 Andrews' job performance?

18 A. Because of her tardiness and  
19 absences, she would miss deliverables and  
20 deadlines.

21 Q. And where is that documented, if  
22 anywhere?

23 A. It would be documented in her  
24 work product or someone taking over and finishing  
25 something for her.